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A CRYPTIC DICTATORSHIP

WHERE ALL POWER IS IN THE HANDS OF MILITARY

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by

H.J.C PRINCEN
Director of
INSTITUTE FOR THE DEFENCE OF HUMAN RIGHTS IN INDONESIA

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Where All Power is in The Hand of Military

H. J. C. PRINCEN

Respected Chairperson and Members of the Sub-Commission for Human Rights. First of all, I want to express my gratitude for the opportunity to speak to this commission on behalf of human rights activists in Indonesia.

I have been the Chairman of the Indonesian Institute for the Defense of Human Rights since its birth on April 27, 1966. The Indonesian Institute for the Defense of Human Rights was founded by a group of Indonesian lawyers, who took this initiative in order to improve the conditions and implementation of human rights, which had deteriorated since the proclamation of Indonesia's independence on August 17, 1945.

THE GHOST OF COMMUNISM

The establishment of the Indonesian Institute for the Defense of Human Rights coincided with the beginning of the **New Order**, which promised to return to the Rule of Law in line with the provisions of the 1945 Constitution which declared that Indonesia is a State governed by **Law**, and *not* by **Force**. However, sad to say, the beginning of the New Order was marked by massacres of thousands of people, who were members or supposed members of the then official communist party.

Many people, including many farmers and workers, were captured and detained for years without due process of law, as required by Indonesian Law and Regulations. The Ghost of

The extra-legal internal security agency, KOPKAMTIB, was formed to make possible the capture and detention of suspected dangerous elements.

Communism was exploited to instill fear in anyone who might not fully agree with the way the New Order government interpreted its promises made in 1966 and 1967.

Although the country was not put under martial law, the government exercised others means to subject its citizens to its will.

Under coercion, the Parliament adopted an anti-subversion law, namely, Presidential Instruction No. 11/1963, which provided the government a free hand to suppress any elements who stood in the way of the government's policies.

AN ARMED POLITICAL PARTY?

According to Law No. 11/1990, the Army has the dual-function of defending the country from any foreign threats and upholding the purity of nationalistic ideals, such as the state philosophy, Pancasila (Five Principles).

The extra-legal internal security agency, **KOPKAMTIB**, was formed to make possible the capture and detention of suspected dangerous elements.

THE CASTRATION OF POLITICAL ACTIVITY

Five Policy Packages governing political affairs effectively smothered any political activity and have run contrary to Article 28 of the 1945 Constitution:

- The Law governing Elections;

The marriage of power, bureaucracy and economics virtually invited these armed agencies to act as protectors, and as a result, the free economy gave way to giant conglomerates that secured monopolies in practically all fields of business.

- The Law governing Political Parties and the GOLKAR Party;
- The Law governing the Formation of Parliament/People's Deliberative Council;
- The Law governing Referendums;
- The Law governing Public Organizations;

Two intelligence agencies, **BAKIN** and **BAIS**, made it possible to control every aspect of life, under the pretense of a continued, latent communist threat and the supposed need for extreme security measures to contain a **'communist come back'**.

It's not surprising that such extreme control did not allow for the formation of people's representative agencies capable of effectively and efficiently monitoring the increasing violations of the Law and the 1945 Constitution, culminating in a government, rife with misuses of power, corruption and nepotism.

The marriage of power, bureaucracy and economics virtually invited these armed agencies to act as protectors, and as a result, the free economy gave way to giant conglomerates that secured monopolies in practically all fields of business.

The establishment of two Parliamentary commissions in 1992, that is, the Human Rights and the Environment commissions, has not brought about many changes.

Political Justice is always marked by practices which result in unfair verdicts, through the coercion of witnesses *torture and intimidation.* Often, defense lawyers are not allowed to meet with the accused and aren't given the opportunity to summon witnesses a de-charge.

MASS MURDERS

Indonesia's invasion of East Timor in 1975, which resulted in civil war and famine, was not given much attention.

The execution of 5-10 thousand criminals by mysterious assassins also has not drawn much attention from the people's representatives who sit as members of these committees.

In 1984, the massacre of hundreds of demonstrators in Tanjung Priok and related cases was successfully covered up/suppressed by the authorities.

The military campaign going on in Aceh since 1989 has been effectively concealed until now. Thousands of people have been killed and wounded, while hundreds have mysteriously disappeared.

POLITICAL JUSTICE

Under the guise of the anti-subversive Law, hundreds of people have been accused of undermining the Pancasila and government authority. Several articles of the Criminal Law Code have also been used, such as: article 154 and 158 (spreading maliciousness against the government).

Those committing acts of subversion can be sentenced to death, spreading hate against the government holds a threat of 7 (seven) years imprisonment, insulting the President can re-

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sult in a sentence of 6 (six) imprisonment, and simply insulting a government official can mean a 1.5 year sentence.

Political Justice is always marked by practices which result in unfair verdicts, through the coercion of witnesses (torture and intimidation).

Often, defense lawyers are not allowed to meet with the accused and aren't given the opportunity to summon witnesses a de-charge.

The accused parties are forced to give witness against themselves, and they are forced to be witnesses against other accused victims.

Even though, the following lawsuits:

- The Yoygakarta Students lawsuit;
- The Madura lawsuit;
- The OPM Irian Jaya lawsuit;
- The ITB Bandung Students lawsuit;
- The Lampung, Bima and Jakarta Islam related lawsuits

Can not be discussed in detail here, these lawsuits give a general picture of Human Rights conditions in Indonesia.

Political justice in Indonesia does not comply with the norms of article 14 of the international covenant regarding civil rights in politics and although Indonesia, in fact, has not ratified this covenant, the values set forth therein can be used

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as a guideline to determine the attitude of a certain government.

Accused parties in political trials can not exercise these rights. The courts trying these cases are not free or unbiased, and the principle of being **innocent until proven guilty**, just does not apply.

Sufficient time and opportunity to prepare a defense, as well as the right of consultation, is often very restricted.

Opportunity to question witnesses is also limited and confessions are often obtained through excessive force.

ACEH: A TRAGEDY!

A report on Human Rights can not overlook the Human Rights abuses which have continued in Aceh since 1989. Some Indonesians believe the conflict in Aceh must be viewed as a religious conflict. There are also those who feel the autonomy of the region has been neglected by the central government and that regional sources of revenue: natural go, oil and forestry products are mostly enjoyed by officials in Jakarta.

This was the region, who presented the republic of Indonesia with a Jakarta airplam already in 1945

Aceh has been the scene of clandestine massacres by special troops, while thousands have been detained illegally and hundreds have simply disappeared without a trace.

These former political prisoners are distinguished from normal citizens, as they are forbidden to work for the government or companies considered vital by the government, as well as in the military.

One must understand that these detainees are normally tortured to force confession and information regarding hideouts of Aceh Merdeka (Free Aceh) members.

According to reports received by the Legal Aid Association, during the various trials of plaintiffs and defendants, it was revealed that over 2,000 persons have been killed/died since 1989. Major General Pramono has be can accused of misconduct and it is likely that these dark pages of history of the Indonesian military will not be quickly forgotten.

PUBLIC FLATTERY

When the Parliamentary Commission on Human Rights was set up, a general Kharis Suhud stated that it was his hope that the committee would be able to erase the negative impression that the Indonesian government was guilty of violating Human Rights and that Indonesia felt that group interests were more important that individual rights.

But the group interests in question here involve the protection of syndicates, corruption and monopolies closely linked to the President and his supporters. These declarations are only another attempt by the powers that be to dupe the public.

Aren't the present presidential powers just a continuation or substitution for those of the former Dutch Governor General?

On the other hand, the media was expected to use their freedom of expression, but at the same time, be aware of their responsibility toward the government. Newspaper articles, radio and television broadcasts, reflected this warning very clearly.

The Governor General formerly had the extreme right of arresting and detaining Indonesians for an indefinite time.

A STATE GOVERNED BY ITS INTELLIGENCE AGENCIES

Indonesia can be said to be a State governed by its intelligence agencies, as everything is subject to surveillance and is often controlled by its various intelligence agencies (see Editor No. 6, July 31, 1993). There are still thousands of people, who although not imprisoned, are constantly monitored by the authorities.

Even though in 1989 most political prisoners of the Abortive Communist Coup of September 30, 1965 were released, their identity cards have been stamped with the initials E.T (Former Political Prisoners).

These former political prisoners are distinguished from normal citizens, as they are forbidden to work for the government or companies considered vital by the government, as well as in the military.

They must report to the local Neighborhood Association, Citizen's Association and Sub-District heads. In many cases, they are also required to report to local military bodies, generally the Army Military Police (KORAMIL). In addition, they are not permitted to leave their place of residence without per-

Organizations involved in the defense of human rights are able to provide a measure of "control" through letters of protest to the government and NGO organizations, both in and out of the country.

mission from the local officials. This greatly hinders communications and relations required to seek their daily sustenance.

This is very strange and surprising, particularly in light of the end of the cold war between the West and the East and improved relations between the Republic of Indonesia and the Republic of China, as well as the United States and the Republic of China.

On March 20, 1993, we (the Indonesian Institute for the Defense of Human Rights) wrote a letter to the President of the Republic of Indonesia, protesting such treatment of the Indonesian people, and calling on the President to pay attention to prevailing abuses of Human Rights. Also in a letter dated October 15, 1992, we requested that the Indonesian government reconsider regulations forbidding certain persons (without trial) from freely leaving the country.

After sending several letters to the President, the Minister of Justice, the Director General of Public Affairs requesting and calling for these old, weak political prisoners to be freed and able to peacefully await their departure to the next world with their families. The Indonesian government did not respond to any of these letters.

Although these things often happen in other countries, one must remember, that Indonesia prides itself on its Pancasila philosophy, in which the principle of humanitarianism ranks first place.

We invite the whole world to fight along with the proponents of democracy in Indonesia, using every possible fair and competent means available.

Indonesia fought for its independence from the Dutch during the 40's and according to the 1945 Constitution is subject to the law, something which is completely different in practice. It is clear that Indonesia attempts to act based on what it "likes and dislikes", instead of basing its actions on prevailing legislation, equitably applied to all its citizens (see the letter of the Indonesian Institute for the Defense of Human Rights, October 15, 1992).

Indonesia's lack of willingness to openly discuss human rights, is related to its fear of amending the 1945 Constitution.

Even though it might be considered fairly simple to amend the constitutions of other countries, this is not the case in Indonesia. Many Indonesians (not all) believe that their constitution is "divine", even though the constitution does not provide ample government protection of human rights.

Three years ago, President Soeharto did call on citizens to demonstrate a more open attitude and adapt more democratic values, among themselves and with the government.

On the other hand, the media was expected to use their freedom of expression, but at the same time, be aware of their responsibility toward the government. Newspaper articles, radio and television broadcasts, reflected this warning very clearly.

We want to emphasize in our witness at this time, the problem of large groups in Indonesia who estranged from the law and therefore encounter difficulty in meeting their daily needs.

In Indonesia, only 40% of the people's representatives are chosen after being screened by the police or intelligence agencies/military regarding their political reliability.

CRITICISM IS LEFTIST

In Indonesia, if one questions controversial issues, the person can be labelled a "leftist" or a "liberal" and a threat to the powers that be.

In the last election (1992), Parliament Members, Marzuki Darusman and Roekmini Soejono, were not included in the list of prospective Parliament members, as they had expressed subtle criticism of the government.

We earnestly believe that in a country without freedom of expression, without freedom to congregate and without freedom to organize, then it is impossible to effectively monitor government activities.

In such a country, human rights are not possible, and it is sad that this is the state of affairs in Indonesia at this time.

Organizations involved in the defense of human rights are able to provide a measure of "control" through letters of protest to the government and NGO organizations, both in and out of the country.

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law and therefore encounter difficulty in meeting their daily needs.

This problem is related to the events of the 60's and is totally inappropriate in light of the fact that world political conditions and the internal political situation in Indonesia has changed drastically.

This does not mean that other incidents such as the repression in Aceh and East Timor, Irian Jaya and other places in Indonesia have not received our attention.

Indonesia is not a democratic nation, but a cryptic dictatorship, where all power is in the hands of the military.

We invite the whole world to fight along with the proponents of democracy in Indonesia, using every possible fair and competent means available.

Indonesia has a population of almost 200 million people and there is every possibility that Indonesia will have a significant impact on its own Region as well as other parts of the world. It will be truly unfortunate if these offenses are not nipped in the bud.

HAJI JOHANNES CORNELIUS PRINCEN, born on November 21, 1925, in Den Haag, Holland became an Indonesian citizen in September 1948 after assisting in the struggle for Indonesian independence. Haji Princen, raised and educated in Holland, was imprisoned from 1943-44 by Germany. After prison, he was recruited by the Dutch Army and sent to Indonesia. In 1948, H. Princen joined the Indonesians in the colonial revolution against Holland. From 1948-49, he was part of the Siliwangi Division of the Indonesian Armed Forces. On October 5, 1949, Indonesia's first president, Soekarno awarded him a Guerrilla Star. In 1950, Princen successfully led an attack on the separatist army of Angkatan Perang Ratu Adil. In 1953, Princen went to Mecca to celebrate his conversion to Islam. In 1956, Haji Princen entered the Indonesian Parliament. From 1958-59, Princen was imprisoned for his implication in the Permesta Rebellion. From 1962-66, Princen was imprisoned by President Soekarno for his criticism of the president.

In 1966, H. Princen established the Institute for the Defence of Human Rights in Indonesia. Since that time, Princen has continued as Director of the institute. From 1966-72, H. Princen was imprisoned several times for his involvement in the student movement. In 1970, H. Princen joined in establishing the Indonesian Legal Aid Foundation. From 1974-76, H. Princen was imprisoned in connection with the Malari Incident. In 1978, H. Princen was imprisoned for disturbing Parliamentary sessions. In 1984, H. Princen acted as a defence lawyer in the case of Tanjung Priok. In 1991, H. Princen was forced to meet regularly with regional military command for intensive interrogations relating to the demonstration of East Timorese students after the November 12, 1991 massacre in the Santa Cruz cemetery in Dili, East Timor.

Princen, affectionately called Ponke, has played an active role in the political development of Indonesia and continues to be a strong advocate for greater democratic rights in Indonesia.

The Indonesian Institute for the Defence of Human Rights was founded by a group of Indonesian lawyers, who took this initiative in order to improve the conditions and implementation of human rights, which had deteriorated since the proclamation of Indonesia's independence on August 17, 1945.

INSTITUTE FOR THE DEFENCE OF HUMAN RIGHTS
Jl. Kramat Asem Raya No.37, Jakarta 13120. INDONESIA
Phone (0062-21) 8583646